



PTO/SB/96 (09-04)  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Gorski, et al.

Application No./Patent No.: 09/755,320 Filed/Issue Date: January 5, 2001

Entitled: GROWTH ARREST HOMEBOX GENE

Case Western Reserve University, a university  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 008105, Frame 0165, or for which a copy thereof is attached.

OR

B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

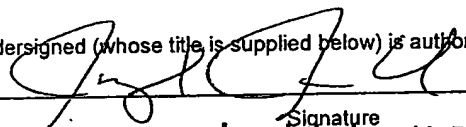
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature

Joseph Jankowski, Ph.D.

Assistant Vice President - Biomedical Sciences

Technology Transfer

CASE WESTERN RESERVE UNIVERSITY

Title

03/16/05  
Date

216 368 6837

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Reissue Serial No.: 09/755,320



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I hereby certify that this document is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 25 day of March, 2005

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Wendy A. Frick

Signed:

Wendy A. Frick

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

U.S. Patent No. 5,856,121

Issued: January 5, 1999

Inventors: David H. GORSKI et al.

Reissue Serial No.: 09/755,320

Filing Date of Reissue Appln.: January 5, 2001

For: **GROWTH ARREST HOMEBOX  
GENE (AS AMENDED)**

Group Art Unit: 1647

Examiner: Saoud, Christine J

Attorney Docket No. 22311/04013

Mail Stop AF

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SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION  
TO CORRECT "ERRORS" STATEMENT UNDER 37 CFR 1.175

Dear Sir:

I hereby declare:

1. I am authorized to act on behalf of Case Western Reserve University, and the title of my position at Case Western Reserve University is Asst VP - Biomedical Science
2. Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted with this application, arose without any deceptive intent on the part of the applicant.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

Reissue Serial No.: 09/755,320

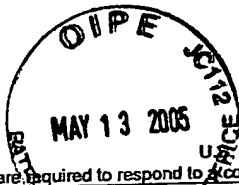
statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

03/16/05  
Date

On behalf of Case Western Reserve University

Name: 

Joseph Jankowski, Ph.D.  
Assistant Vice President - Biomedical Sciences  
Technology Transfer  
CASE WESTERN RESERVE UNIVERSITY



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**REISSUE PATENT APPLICATION  
STATEMENT AS TO LOSS OF ORIGINAL PATENT**

Docket Number (Optional)

22311/04013

I hereby state that:

I am the applicant for a reissue patent based on the original patent identified below.

Name of Inventor(s)/Assignee(s)

Inventors: David H. GORSKI, et al.

Assignee: Case Western Reserve University

Patent Number

5,856,121

Title of Invention

GROWTH ARREST HOMEBOX GENE

Reissue application number (if known)

09/755,320

The ribboned original patent grant is lost or inaccessible.

Signature

Typed or printed name

Mark E. Coticchia

Date

9/29/04

Title (e.g., inventor(s), officer of assignee)

Vice President for Research and Technology Management, Case Western Reserve University

This collection of information is required by 37 CFR 1.178. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-0294) on this 5th day of

November, 1997:

Kristen D. N. Thomas  
Kristen D. N. Thomas

**PATENT**

## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Gorski, *et al.*

Serial No.: 08/203,532

Filed: February 24, 1994

For: HOMEBOX GENE

)  
)  
)  
) Art Unit: 1801  
)  
) Examiner: C. Saoud  
)  
) Attorney's Docket No.  
) 22311/00114  
)

Asst. Commissioner of Patents  
Box Issue Fee  
Washington, D.C. 20231

### **DECLARATION AS TO DEPOSIT OF CLONE**

Dear Sir:

I, Dr. Kenneth Walsh, an inventor in the above-identified application hereby declare that:

1. A cDNA molecule encoding a human Gax protein and comprising the human Gax protein-encoding sequences of clone 6, clone 23, clone 117, and clone 131, as described in the above identified patent application, has been deposited with the:

American Type Culture Collection  
12301 Parklawn Drive  
Rockville, Maryland 20852 USA

and has been assigned the following accession number: ATCC 209497.

2. The date of the deposit, November 24, 1997, is after the U.S. filing date of the application.

3. The deposited cDNA molecule is the same cDNA molecule described in the application.


4. With respect to the permanence of the deposited DNA molecule, the depository is an official depository, in accordance with the Budapest Treaty for the above deposited molecule.

5. I affirm that should the deposited molecule mutate, become nonviable or be inadvertently destroyed, applicants will replace such deposited molecule for at least 30 years from the date of the original deposit, or at least five years from the date of the most recent request for release of a sample or if the life of any patent issued on the above-mentioned application, whichever period is longer.

6. With respect to the availability of the deposited molecule, I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01(p)), and (b) access to the deposit will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12/5/97  
Date

  
Kenneth Walsh, M.D.  
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St. Elizabeth Medical Center  
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Boston, MA 02135  
Inventor